

## REMARKS

This application has been reviewed in light of the Office Action dated June 29, 2005. In view of the foregoing amendments and the following remarks, favorable reconsideration and withdrawal of the rejections set forth in the Office Action are respectfully requested.

Claims 1, 3, 4, 6, 8-14, 29, 31, 32, 34, 36-39 and 55-60 are pending. Claims 1, 3, 4, 6, 8, 11, 12, 29, 32, 34, 36, and 39 have been amended. Claims 55-60 have been newly added. Support for the newly claimed features can be found in the original disclosure, for example, at page 26, lines 21-24 and page 35, line 20 through page 36, line 1, and therefore no new matter has been added. Claims 1, 29 and 56 are in independent form.

Claims 1, 3, 4, 6, 8, 10, 11, 13, 14, 29, 31, 32, 34, 36, 38 and 39 are rejected under 35 U.S.C. § 103(a) as being unpatentable by U.S. Patent No. 5,659,342 (*Lund et al.*) in view of U.S. Patent No. 5,942,043 (*Suemune*) and U.S. Patent No. 6,352,333 (*Matsumoto et al.*). Claims 9, 12 and 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lund et al.* in view of *Suemune*, *Matsumoto et al.* and U.S. Patent No. 6,299,277 (*Fujii*).

In response, while not conceding the propriety of the rejections, independent Claims 1 and 29 have been amended. Applicants submit that as amended, these claims are allowable for the following reasons.

Independent Claim 1 relates to an ink jet printing apparatus capable of performing a preliminary ejecting operation that does not contribute to printing. The apparatus comprises a print head having an ejecting portion. An amount of ink ejected through the ejecting portion varies depending on the amount of time during which printing is not executed.

Claim 1 has been amended to recite that a first preliminary ejecting operation and a second preliminary ejecting operation are performed. The first preliminary ejecting operation is performed on a print medium if the print medium lies in a printing position relative to the print head, wherein an ejection is performed through the ejecting portion of substantially only one or two ink droplets, selectively, in one preliminary ejecting operation. The second preliminary ejecting operation, in which an ejection amount of the second preliminary ejecting operation in one preliminary ejecting operation is greater than that of the first preliminary ejecting operation, is performed on an object other than the print medium if the amount of ink decreases below a normal value before the print medium reaches the printing position.

By this arrangement, the ejecting portion can be kept normal for ejection, while enabling the ink ejected during the preliminary ejecting operations to be unnoticeable on the print medium, since the first preliminary ejecting operation ejects substantially only one or two ink droplets.

In contrast, the patents to *Lund et al.* in view of *Suemune, Matsumoto et al.* are not understood to disclose or suggest a first preliminary ejecting operation performed on a print medium if the print medium lies in a printing position relative to the print head, wherein an ejection is performed through the ejecting portion of substantially only one or two ink droplets, selectively, in one preliminary ejecting operation, as recited by amended Claim 1. In addition, these patents are also not understood to disclose or suggest a second preliminary ejecting operation, in which an ejection amount of the second preliminary ejecting operation in one preliminary ejecting operation is greater than that of the first preliminary ejecting operation, and which is performed on an object other than the print medium if the amount of ink decreases

below a normal value before the print medium reaches the printing position, as also recited by amended Claim 1.

Since the applied art is not understood to disclose or suggest at least one feature of amended Claim 1, and since MPEP § 2142 requires the applied art to disclose or suggest all the claimed features to establish a prima facie case of obviousness, the Patent Office is not understood to have yet satisfied its burden of proof to establish the obviousness of amended Claim 1 over this art. For this reason, Applicants respectfully request that the rejection of Claim 1 be withdrawn. And because Claim 29 has been amended in a similar manner, it is understood to be allowable for similar reasons.

New independent Claim 56 recites, in part, a first preliminary ejecting operation performed on a print medium lying in a position facing a print head, wherein an ejection is performed through the ejecting portion of substantially only one or two ink droplets, selectively, in one preliminary ejecting operation, and a second preliminary ejecting operation, in which an ejection amount of the second preliminary ejecting operation in one preliminary ejecting operation is greater than that of the first preliminary ejecting operation, and which is performed on an object other than the print medium. Since the patents to *Lund et al.* in view of *Suemune*, *Matsumoto et al.* are not understood to disclose or suggest these features, Applicants submit that this new claim is allowable over these patents.

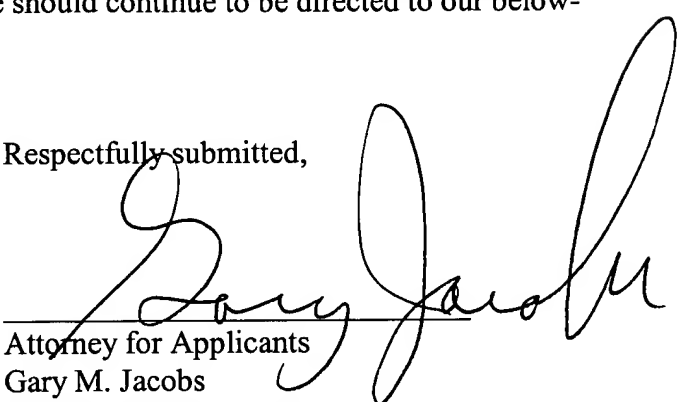
The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the

invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and prompt passage to issue of the application.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A large, stylized handwritten signature in black ink, which appears to read "Gary Jacobs". The signature is written over a horizontal line.

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